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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,133	02/28/2002	Lon Klein	30103/00301	3618

7590

07/12/2005

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EXAMINER

DUONG, THANH P

ART UNIT

PAPER NUMBER

1764

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/090,133

Applicant(s)

KLEIN, LON

Examiner

Tom P. Duong

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 18, 20, 23-27 and 66-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 18, 20, 23-27 and 66-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 10, 2005 has been entered.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 67 is rejected under 35 U.S.C. 102(b) as being anticipated by Schneebeli (5,624,329). Schneebeli discloses a putter (Figs. 1-5) comprising: a grip (Fig. 2A) having an anatomically correct shape to promote proper grasping of the putter; a shaft (14) having a first end and a second end, wherein the grip is attached to the first end of the shaft; a hosel (18) attached to second end of the shaft; a head (10) attached to the hosel, the head having a striking face (30); and an alignment feature including a shaped portion of the hosel to be inserted into a complementing shape opening of the head so that the head is not rotated into an unaligned position during assembly (Fig. 4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneebeli (5,624,329) in view of Schmidt et al. (5,165,688). Schneebeli shows the hosel (Figs. 4 and 5) is inserted into an opening of the club head (Fig. 7) which is not rotated into an unaligned position during assembly but fails to show the opening is one of a oval, a rectangle, a square, and a star. Schmidt teaches a putter (Col. 1, lines 38-43) with a hosel 23 is tapered and is inserted into the oval socket 14 of the head (Figs. 1, 4 and 7) and such configuration provides a tighter fit for the shaft in the bore, upon axial assembly (Col. 1, lines 30-35). Thus, it would have been obvious in view of Schmidt '688 to one having ordinary skill in the art to modify the hosel and its complementing shaped opening of the head as taught by Schmidt in order to provide a tighter fit for the shaft in the hosel, which improves feedback sensing to the player upon ball impact.

3. Claims 1, 18, 23-24, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (5,116,054) in view of Hardness (1,677,099). Regarding claims 1, 23-24, and 66, Johnson discloses a putter (Fig. 5) comprising: a grip (13); a shaft (2) having a first end and a second end; a head (11) attached to the hosel (24), the head having a striking face (15) with center point of percussion (22 and Col. 6, lines 4-21); and an alignment feature (Figs. 5 and 6, Col. 2, lines 42-68) of the putter permitting assembly of the head onto the hosel (24) only in an operable position wherein a centerline (19) of the shaft and the striking face (15) of the head have at least one point (22) in common. Johnson fails to disclose a grip having an anatomically correct shape to promote proper grasping of the putter and the handle is oriented in a selected direction when gripped. Hardness teaches the handle 22 with substantially semi-elliptical shape and the flat surface of the handle snugly fit into the hands of a player and provide a firm grip (page 1, lines 39-51) and the handle also provides proper positioning of the club. Thus, it would have been obvious in view of Hardness to modify the grip of Johnson with the grip configuration of Hardness to provide a player with a firm grip and facilitate the positioning and orientation of the club head. Regarding claim 18, Johnson discloses the shaft is made from one of a polymer material and a composite material (Col. 7, lines 18-25) but is silent with respect to material construction of the shaft and grip. It is conventional to fabricate club parts including shaft and grip with polymer and composite material and it would have been obvious to do so here for its structural strength, light weight construction and eased in molding. Regarding claim

24, Johnson discloses a parallax collimating device (Col. 4, lines 5-12 and Col. 4, lines 31-36) of the head for visually indicating to the golfer when a preferred stance is maintained.

4. Claims 20 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied references (Johnson '054 in view of Hardness '099) as applied to claims 1 and 23 above, and further in view of Karns (3,075,768) and Florian (3,679,207) and Simmons (5,489,097). Regarding claims 20 and 25, Johnson fails to show a first balancing weight disposed in the grip and a second balancing weight disposed in the head. Karns teaches a golf club head with weight inserted in the grip to provide proper balance in the golf club (Figs. 1 and 4, Col. 1, lines 9-25). Likewise, Florian teaches a weight 15 is added to the upper end of the handle 16 to provide a balanced putter (Col. 1, lines 71-75). Simmons teaches the solid weights 40 and 41 are inserted in the putter head (Fig. 5) to reduce the incidence of gyration and reduce vibrations and provide a balanced putter (Col. 3, lines 62-67). Thus, it would have been obvious in view of Karns and/or Florian and Simmons to one having ordinary skill in the art to modify the putter head of the applied references with weight disposed in the grip portion as taught by Karns and/or Florian to provide a balanced putter head and weight disposed in the putter head as taught by Simmons in order to reduce twisting of the putter head, reduce vibrations, and provide a balanced putter head. Regarding claim 26, the modification of the putter head of Johnson '054 in view Simmons (weights 30, 40, 41) facilitates the adjustment of the center of gravity along the three axis. Regarding claim 27, the

modification of the putter head of the applied references (Johnson '054 in view of Hardness '099) in view Simmons provides a balanced putter system.

### ***Response to Arguments***

Applicant's arguments filed 5/10/05 have been fully considered but they are not persuasive. The amended claims 1 and 23 necessitate new grounds of rejection, and the Applicant's arguments with respect to the centerline of the shaft and the striking face of the head have at least one point in common, and the Klein reference is directed to proper alignment of the putter golf putter with the ball and not alignment of the components of the golf putter during assembly of the putter are moot. Johnson '054 discloses the features of the claimed invention as described above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P. Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

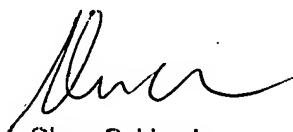
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Duong  
July 11, 2005

TD

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